

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 16, 2021

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SEAN F. McAVOY, CLERK

JEFFREY B.,

No. 2:21-CV-0041-JTR

v.

KILOLO KIJAKAZI, ACTING
COMMISSIONER OF SOCIAL
SECURITY,¹

ORDER GRANTING STIPULATED
MOTION FOR REMAND PURSUANT
TO SENTENCE FOUR OF 42 U.S.C. §
405(g)

Defendant.

BEFORE THE COURT is the parties' stipulated motion to remand the above-captioned matter to the Commissioner for additional administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 16. Attorney Rosemary B. Schurman represents Plaintiff; Special Assistant United States Attorney Edmund Darcher represents Defendant. The parties have consented to proceed before a magistrate judge. ECF No. 7. After considering the file and proposed order, **IT IS ORDERED:**

1. The parties' Stipulated Motion for Remand, **ECF No. 16**, is **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the

¹Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi is substituted for Andrew M. Saul as the defendant in this suit. No further action need be taken to continue this suit. *See* 42 U.S.C. § 405(g).

ORDER GRANTING STIPULATED MOTION FOR REMAND - 1

1 Commissioner of Social Security for further administrative proceedings pursuant to
2 sentence four of 42 U.S.C. § 405(g).

3 On remand, the Commissioner will instruct the administrative law judge
4 (ALJ) to (1) reconsider the medical opinions, including, but not limited to, the
5 opinion of Shirley Shen, Ph.D.; (2) reconsider Plaintiff's severe impairments,
6 including whether traumatic brain injury is a medically determinable and severe
7 impairment; (3) redetermine Plaintiff's claim at steps four and five of the
8 sequential evaluation process, if warranted; (4) further develop the record as
9 necessary; (5) offer Plaintiff the opportunity for a new hearing; and (6) issue a new
10 decision.

11 2. **Judgment shall be entered for PLAINTIFF.**

12 3. Plaintiff's Motion for Summary Judgment, **ECF No. 14**, is
13 **STRICKEN AS MOOT.**

14 4. An application for attorney fees and costs may be filed by separate
15 motion.

16 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
17 Order, forward copies to counsel, and **CLOSE THE FILE.**

18 DATED August 16, 2021.



A handwritten signature in black ink, appearing to be "M", is written over a horizontal line.

JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE